

Following a hearing on Plaintiff’s application for Supplemental Security Income Benefits, an Administrative Law Judge (“ALJ”) denied Plaintiff’s claim in a decision dated March 21, 2007. Plaintiff sought judicial review of the adverse ruling. Before filing an answer to Plaintiff’s complaint, the Commissioner filed the present motion to remand the case to the Commissioner for further administrative action. In support of his

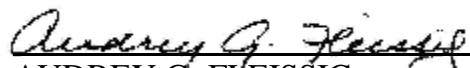
argument that there is good cause for remand, the Commissioner states that Plaintiff's claim file of the ALJ's decision dated March 21, 2007, and the recording of the hearing held on February 15, 2007, could not be located, preventing the preparation of a proper court record. The Commissioner states that upon receipt of the Court's remand order, the Appeals Council of the Social Security Administration would continue to search for the missing records, and if the recordings could not be located in a reasonable period of time, the Appeals Council would remand the case for a de novo hearing. The Commissioner further states that upon completion of the additional administrative proceedings, this case would be returned to this Court for judicial review.

Plaintiff's attorney has represented to the Court that he has no objection to the Commissioner's request.

Accordingly,

IT IS HEREBY RECOMMENDED that Defendant's motion for remand (Doc. #11) be **GRANTED** and the case be **REMANDED** to the Commissioner for further administrative action.

The parties are advised that they have ten (10) days to file written objections to this Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 6th day of March, 2008.